

HB0488/972813/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 488
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL".

AMENDMENT NO. 2

On page 1, in the sponsor line, strike "Delegate Davis" and substitute "Delegates Davis, Anderson, Aumann, Beitzel, Boteler, Cardin, Carter, Costa, DeBoy, Eckardt, Frank, George, Griffith, Haddaway, Jennings, Lafferty, McComas, McConkey, McDonough, Miller, Morhaim, Myers, Norman, Shewell, Smigiel, Stein, Stocksdale, and Weir".

AMENDMENT NO. 3

On page 1, strike beginning with "altering" in line 3 down through "penalty" in line 11 and substitute "prohibiting a person from accessing a certain motor vehicle accident report for certain purposes under certain circumstances; providing for a certain penalty; repealing certain provisions of law concerning access to and disclosure of a certain motor vehicle accident report; defining certain terms; making this Act an emergency measure".

AMENDMENT NO. 4

On page 1, in line 13, strike "and reenacting, with amendments,"; and after line 17, insert:

"BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 10-604
Annotated Code of Maryland

(Over)

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 10-606(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)”.

AMENDMENT NO. 5

On pages 1 through 4, strike in their entirety the lines beginning with line 21 on page 1 through line 16 on page 4, inclusive.

AMENDMENT NO. 6

On page 4, after line 16, insert:

“Article – Business Occupations and Professions

10-604.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS LISTED IN § 3-101(E) OF THE PUBLIC SAFETY ARTICLE.

(3) “MOTOR VEHICLE ACCIDENT” HAS THE MEANING STATED IN § 27-401 OF THE INSURANCE ARTICLE.

(4) “REPORT” MEANS A REPORT COMPLETED BY A POLICE OFFICER OF A LAW ENFORCEMENT AGENCY THAT:

(I) INDICATES THAT A MOTOR VEHICLE ACCIDENT OCCURRED; AND

(II) INCLUDES INFORMATION ABOUT A PERSON INVOLVED IN THE MOTOR VEHICLE ACCIDENT, INCLUDING THE PERSON'S NAME, TELEPHONE NUMBER, AND ADDRESS.

[(a)] (B) Without an existing relationship or interest in an issue:

(1) a person may not, for personal gain, solicit another person to sue or to retain a lawyer to represent the other person in a lawsuit;

(2) A PERSON MAY NOT, FOR PERSONAL GAIN, ACCESS A REPORT FOR THE PURPOSE OF SOLICITING ANOTHER PERSON TO SUE OR TO RETAIN A LAWYER TO REPRESENT THE OTHER PERSON; and

[(2)] (3) a lawyer, except as provided in the Rules of Professional Conduct, may not:

(i) for personal gain, solicit another person to sue or to retain the lawyer to represent the person in a lawsuit;

(ii) directly or indirectly employ or in any way compensate or agree to employ or compensate any person as an expert witness or otherwise for the purpose of having that person solicit or attempt to solicit clients for the lawyer;

(iii) knowingly represent a person who retained the lawyer as a result of solicitation prohibited under this section; or

(iv) cause a case to be instituted without the authority of a client.

[(b)] (C) Any solicitation involving acts described in this section is prima facie evidence that the person soliciting is acting for gain.

10-606.

(c) Except as provided in subsections (a) and (b) of this section, a person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.”.

AMENDMENT NO. 7

On page 4, strike in their entirety lines 17 and 18 and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”.